



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

To R.
of 401
#6/Block

In re Application Of: Kuiken) Examiner: Snow, B.
Serial No.: 09/558,570) Group: 3738
Filed: April 26, 2000)
For: High Profile Multiaxial Prosthetic Foot)

TC 3100 MAIL ROOM
AUG 31

RECEIVED

TRAVERSE OF RESTRICTION REQUIREMENT WITH PROVISIONAL ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This correspondence is responsive to the Office Action dated June 22, 2001. Claims 1 – 22 are pending in the application. Claims 1 – 22 are subject to a restriction/election requirement.

Under 37 C.F.R. § 1.143, Applicant makes a provisional election to species 1 (figure 1) and traverses the restriction requirement of the Office Action. Claims 1, 2, 3, 18 and 19 read on figure 1.

Claims 1, 10 and 18 read on each of the views presented in figures 1 through 15, and thus each are generic claims. These generic claims include the limitations present in each of the species claims.

Each of the pending claims is directed to a high profile multiaxial prosthetic foot. The species recited in the Office Action are related inventions. Also, the species recited are usable together and are species of a common generic invention. Even when species are patentably distinct, restriction is proper if but only if one or more of the following reasons are present: (1) the species require separate classification, (2) the species enjoy a separate status in the art, and

(3) the species are in a different search fields. The species do not require a separate classification, they do not enjoy a separate status in the art, and are within the same field of search. For these reasons, the restriction requirement is improper. Accordingly, Applicant respectfully requests that the Election/Restriction requirement be withdrawn.

Applicant's traverse specifically points out the error in the restriction and therefore should be considered complete under 37 C.F.R. § 1.143 as required by 37 C.F.R. § 1.111(b). If any additional fees are required, the Commissioner is hereby authorized to charge such additional fees to deposit account no.: 07-0181.

Respectfully submitted,

Date: 8-22-01

Docket No.:
CH02/22143093.1


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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

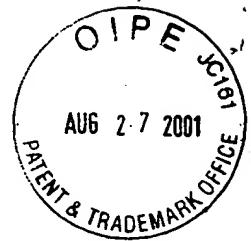
(\$ 55)

Complete If Known	
Application Number	09/558,570
Filing Date	26 April 2000
First Named Inventor	Kuiken
Examiner Name	Snow, B.
Group / Art Unit	3738
Attorney Docket No.	P1308USA

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																																	
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="07-0181"/></p> <p>Deposit Account Name <input type="text"/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td><input type="checkbox"/></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td><input type="checkbox"/></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td><input type="checkbox"/></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td><input type="checkbox"/></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td><input type="checkbox"/></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td><input type="checkbox"/></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td><input type="checkbox"/></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td><input type="checkbox"/></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td><input type="checkbox"/></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td><input type="checkbox"/></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td><input type="checkbox"/></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td><input type="checkbox"/></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td><input type="checkbox"/></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td><input type="checkbox"/></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td><input type="checkbox"/></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Michael M. Geoffrey	Registration No. Attorney/Agent)	41,775	Telephone	312-644-3000	
Signature				Date	8-22-01	

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**CERTIFICATE OF MAILING
UNDER 37 CFR 1.8**

Date of Deposit: August 22, 2001

I hereby certify that a Fee Transmittal form; a Check for \$55.00; a Petition for Extension of Time; an amendment Traverse of Restriction Requirement (2 pages); and a return postcard are being deposited with the United States Postal Service with sufficient postage as First Class Mail service under 37 CFR 1.8 on the date indicated above, addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

Diana W. Strong
(Typed or Printed Name of
Person Mailing Application)


(Signature of Person Mailing
Application)

Docket No.: P1308USA

CH02/22143139.1